



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Monroe County Planning Commission

From: Steven Biel, Sr. Planner *LB*
Ralph Goulidy, Sr. Administrator of Environmental Resources

Through: Townsley Schwab, Acting Sr. Director of Planning & Environmental Resources

Date: November 25, 2008

Subject: *Request for approval of a Minor Conditional Use Permit by Habitat for Humanity of Key West and the Lower Keys for property located on the Overseas Highway, between Sapphire & Emerald Drives, Big Coppitt Key, Real Estate No. 00156320.000000*

Meeting: December 16, 2008

I REQUEST:

The applicant is requesting approval of a minor conditional use permit in order to construct four triplexes consisting of twelve deed-restricted, employee housing units. The applicant is also requesting that common recreation facilities be permitted as accessory uses. Finally, the applicant is requesting an extended conditional use permit of five years to assure that the construction of the public sewer project is completed and the proposed development will have the ability to connect to it.



Subject Property, Overseas Highway, Big Coppitt Key, (2006)

1 If approved, there would be one triplex containing three 2-bedroom, 2 ½-bath units and three
2 triplexes containing three 3- bedroom, 2 ½-bath units per triplex. According to the site plan
3 submitted with the application and prepared by Laird Ueberroth, RA & Associates, the 2-
4 bedroom units would contain 997 ft² of total floor area and the 3-bedroom units would
5 contain 1,273 ft².

6
7 Location:

8 Address: US 1, between Sapphire and Emerald Drives, Big Coppitt Key, MM 10.5

9 Legal Description: Part Tract B, Porpoise Point Section 5, PB5-119

10 Real Estate Number: 00156320.000000

11
12 Applicant:

13 Owner: Monroe County

14 Agent: Bob Calhoun, Habitat for Humanity of Key West and the Lower Keys

15
16 II RELEVANT PRIOR COUNTY ACTIONS:

17
18 A request for a minor conditional use permit concerning this project was heard at the October
19 8, 2008 Planning Commission meeting. After discussion of a related variance request by
20 Habitat for Humanity, both the minor conditional use permit request and variance request
21 were continued. Subsequently, both requests were withdrawn by the applicant and
22 resubmitted with adjustments to the proposed site plan and variance request.

23
24 The Property Appraiser's records show the subject property was conveyed to the County in
25 December 2005. At an October 2005 Board of County Commissioners (BOCC) meeting, the
26 BOCC directed Housing and Community Development staff to advertise a Request for
27 Qualifications (RFQ) for the development of ten workforce housing units on the subject
28 property. At a December 2007 BOCC meeting, the BOCC awarded the project to Habitat for
29 Humanity.

30
31 As part of the application submittal, the applicant has requested the Planning Commission
32 hold a public hearing in order to provide surrounding residents with an additional opportunity
33 to provide public input. In accordance with MCC §9.5-68(f), staff has scheduled the
34 application for approval or denial by the Planning Commission at the December 16, 2008
35 meeting.

36
37 III BACKGROUND INFORMATION:

- 38
39 A. Size of Site: 36,838 ft² (0.845 acres)
40 B. Land Use District: Sub Urban Commercial (SC)
41 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)
42 D. Tier Designation: Tier III
43 E. Flood Zone: AE – EL 10
44 F. Existing Use: Vacant
45 G. Existing Vegetation / Habitat of Site: Scarified

1 H. Community Character of Immediate Vicinity: Mixed Use-residential, commercial and
2 public uses
3

4 IV REVIEW OF APPLICATION:
5

6 MCC §9.5-65 provides the standards which are applicable to all conditional uses. When
7 considering applications for a conditional use permit, the Planning Commission shall
8 consider the extent to which:
9

10 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
11 *comprehensive plan and the land development regulations:*
12

13 The proposed development would be consistent with the purposes, goals, objectives, and
14 standards of the MC future land use category. Policies from the Year 2010
15 Comprehensive Plan that directly pertain to the proposed development include:
16

- 17 1. Policy 101.4.5: The principal purpose of the future Mixed Use/Commercial land use
18 category is to provide for the establishment of commercial zoning districts where
19 various types of commercial retail and office may be permitted at intensities which
20 are consistent with the community character and the natural environment. In
21 addition, employee housing and commercial apartments are permitted.
22
- 23 2. Policy 105.2.7: Monroe County shall implement an acquisition program to acquire
24 privately owned vacant lands disturbed or scarified properties for affordable housing
25 within areas designated as an Infill Area (Tier III).
26

27 B. *The conditional use is consistent with the community character of the immediate vicinity:*
28

29 The immediate vicinity consists of a mix of uses including residential to the north of US
30 1, commercial and public uses on US 1, and another Habitat for Humanity project
31 containing 18 units approximately 800 feet to the northeast on US 1 under construction.
32 The conditional use would be consistent with the surrounding community character.
33

34 C. *The design of the proposed development minimizes adverse effects, including visual*
35 *impacts, on adjacent properties:*
36

37 Two of the proposed buildings are oriented with the front of the buildings facing
38 Sapphire Drive while the other two proposed buildings are oriented with the fronts facing
39 Emerald Drive. Although the four buildings are oriented in somewhat of a nontraditional
40 configuration, the rear of the units would all be facing the open space area, which could
41 create a sense of community.
42

43 Furthermore, the applicant states that the design of the proposed four buildings would
44 reflect existing neighborhood design and "Key West-style" architecture. Therefore, the
45 proposed project would not have an adverse visual or aesthetic effect on adjacent
46 properties.

1 Finally, visual impacts to the surrounding area would be reduced by the installation of a
2 proposed five (5)-foot solid fence around the periphery of the property and required
3 landscaping.
4

5 D. *The proposed use will have an adverse impact on the value of surrounding properties:*
6

7 It is not anticipated that the proposed project would have an adverse impact on the value
8 of the surrounding properties.
9

10 E. *The adequacy of public facilities and services:*
11

12 1. Roads:
13

14 *Localized Impacts & Access Management:* Access to the development would be from
15 Sapphire Drive and Emerald Drive. The proposed access drive off Sapphire Drive
16 would serve the triplex containing the 2-bedroom units and one of the triplexes
17 containing the 3-bedroom units. The proposed access drive off Emerald Drive would
18 serve the remaining two triplexes containing the 3-bedroom units. There would be no
19 direct access to or from US 1.
20

21 *Level of Service (LOS):* The applicant submitted a traffic analysis report indicating
22 the proposed development would generate approximately 70 trips per weekday. The
23 trips would be split between the driveways on Sapphire and Emerald Drives.
24

25 The County's traffic consultant has reviewed the applicant's traffic analysis report
26 and approved its conclusions regarding trip generation and found that level of service
27 along US 1 would have adequate capacity..
28

29 2. Stormwater: The applicant shall coordinate with the County Engineer and/or South
30 Florida Water Management District (SFWMD) to determine compliance. The
31 applicant submitted drainage calculations prepared by Laird Ueberroth, RA &
32 Associates.
33

34 3. Sewer: The applicant shall coordinate with the Monroe County Health Department
35 and/or the Florida Department of Environmental Protection (FDEP) to determine
36 compliance. The applicant has stated in their application that "sewer is under
37 construction or will be created at the developer's expense". Furthermore, the
38 applicant indicates that by the time this proposed project built the central sewer will
39 have been installed by the County.
40

41 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
42 Marshal to determine compliance with the Florida Fire Prevention Code, the National
43 Fire Protection Code and the Life Safety Code. The Office of the Fire Marshal has
44 also reviewed and accepted the site plan and the 50-foot fire truck turning radius.
45
46

1 F. *The Applicant has the financial and technical capacity to complete the development as*
2 *proposed:*
3

4 Habitat for Humanity is experienced in the development and construction of affordable
5 employee housing. Staff has no evidence to support or disprove the applicant's financial
6 and technical capacity.
7

8 G. *The development will adversely affect a known archaeological, historical or cultural*
9 *resource:*
10

11 The proposed development would not adversely affect a known archaeological, historical
12 or cultural resource.
13

14 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
15 *proposed development:*
16

17 Public access means the ability of the public to physically reach, enter or use beaches and
18 shores. The subject property contains an approximate 50-foot wide canal to the rear of
19 the property. As this property is undeveloped, access to the canal has been unavailable.
20 The applicant is proposing an open space area that would be adjacent to the canal. In
21 addition, the applicant has shown on the site plan an elevated observation platform
22 overlooking the canal. However, there would be no dockage or boat access to the water.
23

24 I. *The project complies with all additional standards imposed on it by the Land*
25 *Development Regulations:*
26

27 1. Residential Rate of Growth Ordinance (ROGO) (§9.5-120): *In compliance.*
28

29 The project shall require 12 affordable housing unit allocations. Resolution No. 184-
30 2007 (extension) and Resolution No. 47-2008 were approved by the Board of County
31 Commissioners for the ROGO allocations.
32

33 2. Non-Residential Rate of Growth Ordinance (NROGO) (§9.5-124): *In compliance.*
34

35 No non-residential floor area is existing or proposed.
36

37 3. Purpose of the SC District (§9.5-206): *In compliance.*
38

39 The purpose of the SC District is to establish areas suitable for commercial uses
40 designed and intended primarily to serve the needs of the immediate planning area in
41 which they are located.
42
43
44
45

- 1 4. Permitted Uses (§9.5-235): *In compliance following the receipt of required*
2 *conditional use permit.*
3

4 In the SC District, attached residential dwellings involving six (6) to 18 units,
5 designated as employee housing as provided for in MCC§ 9.5-266 may be permitted
6 with a minor conditional use permit.
7

- 8 5. Residential Density (§9.5-262): *In compliance.*
9

10 Land Use Intensity:

Land Use	Max Net Density	Size of Site	Max Allowed	Proposed	Potential Used
Employee Housing	18 units / buildable acre	0.845 total acres / 0.68 buildable acres	12 units	12 units	100%

11 Pursuant to MCC §9.5-266, notwithstanding the density limitations in MCC §9.5-
12 262, employee housing on parcels classified as SC may be developed at an intensity
13 up to a maximum net residential density of 18 dwelling units per buildable acre.
14
15

- 16 6. Required Open Space (§9.5-262 & §9.5-347): *In compliance.*
17

18 In the SC District, there is a required open space ratio of 0.20 or 20%. Within the
19 shoreline setback, there is an open space ratio of 0.40 or 40%.
20

21 The proposed site plan states the parcel size as 36,838 ft² with development
22 comprising 18,403 ft², or 50%. While it appears that the sidewalk areas may not have
23 been included in the development totals, it is evident that the open space requirements
24 shall be met.
25

- 26 7. Minimum Yards (§9.5-281 & §9.5-349): *In compliance following the approval of the*
27 *associated variance.*
28

29 The required setbacks in the SC District are as follows: Front yard – 25 feet; Rear
30 yard – 10 feet; and Side yard – 10/15 feet (where 10 feet is the required side yard for
31 one side and 15 feet is the minimum total of both side yards).
32

33 The property has required front yard setbacks of 25 feet along the rights-of-way of
34 US 1, Sapphire Drive and Emerald Drive. There is a 10 foot rear yard setback along
35 the non-shoreline portion of the property line to the north.
36

37 The applicant has submitted a variance request to allow two of the buildings to be
38 partially located in the front yard setback along US 1 and to allow the overflow
39 parking spaces to be located in the front yard setbacks along Sapphire Drive and
40 Emerald Drive.
41
42

- 1 8. Maximum Height (§9.5-283): *Full compliance to be determined by submittal to the*
2 *Building Department.*

3
4 The site plan shows the existing crown of US 1 as 3.52 feet. The building elevations
5 indicate that the maximum building height would be approximately 32 feet, 11 ½
6 inches from the crown of US 1 to the finished ridge of the building.
7

- 8 9. Surface Water Management Criteria (§9.5-293): *Compliance to be determined by the*
9 *County Engineer or South Florida Water Management District prior to issuance of a*
10 *building permit.*
11

- 12 10. Wastewater Treatment Criteria (§9.5-294): *Compliance to be determined by Florida*
13 *Department of Health or Florida Department of Environmental Protection prior to*
14 *the issuance of a building permit.*
15

- 16 11. Fencing (§9.5-309): *Compliance to be determined upon submittal to Building*
17 *Department.*
18

19 The applicant is proposing a five-foot high, masonry fence around the entire parcel.
20 Compliance of the fence with height, setback and clear sight triangle requirements
21 will be determined upon submittal of a building permit to the Building Department.
22

- 23 12. Floodplain Management (§9.5-316.1 & §9.5-317.1): *Compliance to be determined*
24 *upon submittal to Building Department.*
25

26 The site is designated within AE – EL 10 flood zone on the Federal Emergency
27 Management Agency (FEMA)'s flood insurance rate maps. All new structures must
28 be built to floodplain management standards that meet or exceed those for flood
29 protection. New construction of any residential structure within an AE flood zone
30 shall have the lowest floor elevated to or above base flood level, or, together with
31 attendant utility and sanitary facilities, be designed so that below the base flood level
32 the structure is water-tight.
33

- 34 13. Energy Conservation Standards (§9.5-326): *In compliance.*
35

36 The applicant has indicated that all water dispensers will be high efficiency
37 conservation devices. In addition, the buildings will be constructed to conserve
38 energy through the utilization of ceiling fans, insulation, overhangs, and canopy trees.
39 The landscaping plan shows approximately 100% of the species to be native, which
40 would reduce the requirements for water and maintenance and the installation of
41 several shade trees. The buildings will provide structural shading.
42

- 43 14. Potable Water Conservation Standards (§9.5-327): *Compliance to be determined upon*
44 *submittal to Building Department.*
45
46

1
2 15. Required Parking (§9.5-352): *In compliance.*
3
4

Required Parking:

Specific Use	Multiplier	Proposed	Required Spaces
Employee Housing	1.5 spaces / employee housing unit	29 spaces	18 spaces

5
6 For each unit there would be one parking space under the first floor and one space
7 outside in front of each unit. The site plan also shows there would be four (4)
8 overflow parking spaces if a variance is approved.
9

10 16. Required Landscaping (§9.5-361, §9.5-362, §9.5-363 & §9.5-364): *In compliance.*
11

12 Parking is indicated as beneath each building. There would be two overflow parking
13 lots of two spaces each. There is no requirement for parking lot landscaping when
14 less than six spaces are proposed in a given lot.
15

16 17. Required Buffer-yards (§9.5-377, §9.5-378 & §9.5-379): *In compliance.*
17

18 A Class 'D' district boundary bufferyard is required between the SC development and
19 the IS district to the north. The applicant has proposed 80% of the required width for
20 the bufferyard, as allowed when a solid fence is provided. The proposed vegetation is
21 100% native.
22

23 Required Street Trees along Emerald and Sapphire Drives would be provided.
24

25 A Class 'C' major street bufferyard is required along US 1. The applicant has
26 proposed a 25 foot wide bufferyard. However, due to encroachment of two of the
27 structures, as well as drives, into this area, the planting requirements of a 20 foot wide
28 bufferyard will be required, consisting of 11 canopy trees, 5 understory trees, and 45
29 shrubs, increasing what is proposed by 1 canopy tree and 40 shrubs. The proposed
30 vegetation is 100% native.
31

32 18. Shoreline Setbacks (§9.5-349): *In compliance.*
33

34 A setback of 20 feet is required for principal structures adjacent to manmade canals,
35 which is shown on the revised site plan.
36

37 19. Outdoor Lighting (§9.5-391, §9.5-392 & §9.5-393): *Compliance to be determined*
38 *upon submittal to Building Department.*
39

40 20. Access Standards (§9.5-421 §9.5-422 & §9.5-427): *Compliance to be determined*
41 *upon submittal to Building Department.*
42

43 Direct access shall be provided to the property by way of Sapphire Drive and Emerald
44 Drive. There would be no direct access to or from US 1.

1 21. Traffic Study (§9.5-426): *In compliance.*

2
3 A certified traffic report was submitted and is under review by the County's traffic
4 consultant. The report concludes the twelve (12)-unit development would add
5 seventy (70) daily trips per day, which has been verified by the County's traffic
6 consultant as well as the sight triangles. The traffic consultant also noted that the
7 vehicle maneuverability details were not included on the most recent site plan and if
8 the minor conditional use permit is approved, there should be a condition that the
9 applicant will provide the vehicle maneuverability details (has been conditioned as
10 Condition C).

11
12 22. Clear Sight Triangle (§9.5-427): *Compliance to be determined upon submittal to*
13 *Building Department.*

14
15 23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to*
16 *the Building Department.*

17
18 V RECOMMENDED ACTION:

19
20 Staff recommends APPROVAL of the minor conditional use permit to the Planning
21 Commission with the following conditions:

- 22
23 A. Prior to the issuance of a resolution by the Planning Commission, a) the applicant
24 shall receive a variance to the setback and/or bufferyard requirements from the
25 Planning Commission in accordance with §9.5-524 of the Monroe County Code or b)
26 the Applicant shall revise the site plan to show that all setback and bufferyard
27 regulations shall be met.
- 28
29 B. Prior to the issuance of a resolution by the Planning Commission, the applicant shall
30 provide to the Department of Planning and Environmental Resources a Letter of
31 Coordination from the Office of the Fire Marshal accepting the fifty (50)-foot fire
32 truck turning radius as shown on the site plan dated October 14, 2008.
- 33
34 C. Prior to the issuance of a resolution by the Planning Commission, the County's traffic
35 consultant shall provide written approval to the Department of Planning and
36 Environmental Resources regarding vehicle maneuverability details provided by the
37 applicant.
- 38
39 D. Prior to the issuance of a building permit, the proposed development and buildings
40 shall be found in compliance by the Monroe County Building Department, the
41 Monroe County Floodplain Administrator, the Monroe County Engineer and the
42 Monroe County Office of the Fire Marshal.
- 43
44 E. All of the employee housing units shall be deed restricted as affordable employee
45 housing units as set forth in §9.5-266 of the Monroe County Code. Occupants of the

- 1 employee housing units must meet all requirements for occupancy of employee
2 housing and affordable housing as set forth in the Monroe County Code.
- 3 F. A disclosure/notice should be signed for each sale or rental of any property in the 60
4 DNL and higher and shall be submitted to the Monroe County Planning Department
5 and filed with the Monroe County Clerk of Courts with a recorded copy provided to
6 NAS Key West.
- 7
- 8 G. All residential structures in the 65 DNL and higher shall be required to use the most
9 current sound attenuation technology to achieve a NLR of a minimum of 25 dB.
- 10
- 11 H. An Avigation Easement shall be filed with the Monroe County Clerk of Courts with a
12 recorded copy provided to NAS Key West.
- 13

14 VI PLANS REVIEWED:

- 15 A. Site Plan (S-1) by Laird Ueberroth, RA & Associates, dated October 14, 2008;
16 B. Landscape Plan (L-1) by Laird Ueberroth, RA & Associates, dated October 10, 2008;
17 C. Two Bedroom Triplex Unit Plans (A-5–A-8) by Laird Ueberroth, RA & Associates,
18 dated August 15, 2008;
19 D. Three Bedroom Triplex Unit Plans (A-15–A-18) by Laird Ueberroth, RA & Associates,
20 dated June 8, 2008;
21 E. Boundary Survey by R.E. Reece, P.A. dated September 15, 2005;
22